



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

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November 26, 2014

Mr. Scott Davis, Executive Director
ND Indian Affairs Commission
600 E Boulevard Avenue
Bismarck, ND 58505

Dear Mr. Davis,

This letter is regarding the Tribal Consultation between the North Dakota Department of Human Services and the North Dakota Indian Tribes. This consultation process was established to ensure Tribal governments are included in the decision making processes when changes in the Medicaid or Children's Health Insurance Program(s) will affect items such as cost or reeducations and additions to the program(s). The North Dakota Department of Human Services engages the Tribal consultation when a State Plan Amendment, waiver proposal or amendment, or demonstration project proposal directly impacts the North Dakota Tribes and/or their Tribal members.

Upcoming Medicaid State Plan Amendments include the following:

- 1) Effective January 1, 2015, North Dakota Medicaid will be providing a three percent inflationary increase for all Nursing Facility services. .
- 2) Effective January 1, 2015, North Dakota Medicaid will be providing a three percent inflationary increase for all Psychiatric Residential Treatment Facility services.
- 3) Effective October 1, 2014, individuals under age 21 (through the month the individual attains age 21) and Pregnant Women who have income that is more than the Affordable Care Act Medicaid and Health Steps (Children's Health Insurance Program) Poverty Levels may have another option for coverage. This Medicaid coverage may be able to assist individuals with a portion of their medical bills, but does require the individual to pay a client share. This coverage is referred to as Medically Needy Coverage.

The income levels under Medically Needy are 90% of the federal poverty level (FPL) for pregnant women and 92% FPL for individuals under age 21. The Medically Needy income level for the aged and disabled population remains at 83% of the FPL.

Note: Medically Needy Medicaid coverage where an individual is required to spend down before becoming eligible for Medicaid is NOT considered Minimal



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Essential Coverage. Therefore, such individuals would need to have other qualifying insurance in order to avoid penalties imposed by the Internal Revenue Service under the Affordable Care Act provisions.

- 4) The North Dakota Medicaid Expansion Alternative Benefit Plan (ABP) will continue to include the benefits of the 2012 Sanford Health Plan HMO as being the selected base benchmark Plan. The benefits outlined in the ABP will remain the same with the exception of the addition of mental health and substance abuse services provided in a Residential Treatment Facility for individuals 21 and older. The Residential Treatment Facility benefit for individuals 19 and 20 years old will continue and this benefit will be added for individuals 21 and older, effective for dates of service on or after January 1, 2015. Coverage for Residential Treatment does not include coverage for Room and Board.
- 5) Individuals eligible for North Dakota Medicaid Expansion Adult Group, who have been determined to meet the status of Medically Frail, are exempt from mandatory enrollment into the Alternative Benefit Plan and may choose to enroll under Traditional Medicaid, with access to the Traditional Medicaid State Plan benefits. Individuals who chose the Medicaid State Plan will be required to enroll in the Primary Care Case Management Program which includes the assignment of a Primary Care Provider unless they meet one of the exception criteria associated with this program. This change is expected to be effective on or after January 1, 2015.

If you have any comments, questions or concerns about the proposed State Plan Amendments, please contact Cindy Sheldon, Deputy Director at cmsheldon@nd.gov or by mailing a written response to 600 E Boulevard Avenue, Department 325, Bismarck, ND 58505 or by calling 701.328.4626.

The Department appreciates the continuing opportunity to work collaboratively with you to achieve the Department's mission which is: "To provide quality, efficient, and effective human services, which improve the lives of people".

Sincerely,

Julie F. Schwab, Director
Medical Services Division
ND Department Human Services